

1843-023

SOUTHAMPTON COUNTY
CHANCERY PAPERS

PRETLOW et al VS. PRETLOWS' GUARDIAN et al

see also Pretlow v Pretlow's Administrator, 1843-22

N.B. Contains Court papers only.

Plat is in Oversize Chancery Box 4

Filed under This number.

other surnames: Scott, Edwards

Pretlow } B. At
¹⁷
 Pretlow } Deere

1842 Sep. Deere filed g.

(R + G att's)

To the worshipping County Court of Southampton
-ton in Chancery sitting

Humbly complaining, sheweth unto your
worships your complainants Mary Pretlow sr.
~~Ann~~ Pretlow and Robert T Pretlow, that your
complainants, together with Joseph, John, Mary H,
and Elizabeth Pretlow, who are infants of tender
years, are jointly intitled to all the real estate
owned by James Scott decd. at his death, containing
about acres of land. Your complainants
would represent, that on the death of Ann Pretlow
sr., to whom the real estate alluded to was devised
in James Scott's last will and testament, the said
estate descended to seven grand children of the
said Ann Pretlow sr. decd. to wit. two of your
complainants, Ann & Robert T Pretlow, and Jo-
seph, John, Mary H, Elizabeth and Sarah C Pret-
low, who has since died an infant under age
that on the death of said Sarah C Pretlow, two
seventh parts of said estate, under the 4th Sec. of
the St. on descents, passed to her six brothers and
sisters, to wit Ann, Robert T, Joseph, John, Mary
H and Elizabeth Pretlow, and her mother Mary
Pretlow sr. equally. Your complainants being
anxious of having the said estate divided, ~~and~~
and the several portions allotted to those intitled,
pray that special commissioners may be appoin-
ted by the court to effect the same, and that
Littleton W Edwards be appointed guardians ad
litem to the infant parties concerned, and that
he answer the premises. In tender consideration
of all which your complainants pray that the
Commonwealth, wit- of subp- may issue, com-
directed &c commanding, &c- and they will
ever pray, &c-

Widley Howwyn for

Answer of J. W. Edwards guardian ad litem &c
This defendant saving and reserving to him-
self all manner of benefit of exception to the
errors, inconsistencies &c in the com pld. bill con-
tained, for answer thereto says, that he is aware
of no objections to the division of said estate in
the bill mentioned, but prays the Court to guard
the rights of the infant parties concerned
And having answered, prays hence to be dis-
missed the Court, with his reasonable costs, in
this behalf expended —

Prettow and others

Prettow's g^d ad litem

In Chancery

Decree

This day this cause came on to be heard, by consent
of parties, and was argued by counsel, on consid-
eration whereof, and with like consent of parties
the Court doth order, adjudge and decree that
James D. Mapenbury, Benjamin Griffin Jo-
seph Murclough and James Holmes, be and are
hereby appointed commissioners of the Court
and that they proceed, at some convenient
time, within thirty days, ~~to~~ divide the
lands whereof James Scott died seized and proposed
into seven parts of equal value and allot one lot
to Ann Prettow, One to Robert J. Prettow, One to
Joseph Prettow, One to John Prettow, One to Mary H
Prettow and one to Elizabeth Prettow and that sd
Commissioners also subdivide the remaining one
seventh part it being the share to which Sarah
B. Prettow died would have been entitled into seven
equal parts regard being had to value. and
allot one part to the Mother Mary Prettow — and

allot the other six shares to the Brothers & Sisters of

sd Sarah B. Prettow respectfully and report their
proceedings to the Court in order to a final decree.

Preflow

to: } Copy Decree.

Preflow

Southampton September Court 1842.

Mary Pretlow sr. Ann Pretlow and Robert J Pretlow
against

Beffs.

In Chancery

Joseph, John, Mary H. and Elizabeth Pretlow who are infants of tender
years by Lilliston R Edwards their guardian ad litem.

Defts.

This day this cause came on to be heard, by consent of parties, and was argued by Counsel,
On consideration whereof and with like consent of parties the Court doth order, adjudge and
decree that James D Mapenbury, Benjamin Griffin, Joseph Muddaugh and James Holmes
be and are hereby appointed Commissioners of the Court, and that they proceed, at some conve-
nient time within thirty days, to divide the lands whereof James Scott died, seized and
possessed into seven parts of equal value and allot one lot to Ann Pretlow, one to Robert
J Pretlow, one to Joseph Pretlow, one to John Pretlow, one to Mary H. Pretlow and one to
Elizabeth Pretlow and that said Commissioners subdivide the remaining one seventh part,
it being the share to which Sarah C Pretlow, dec'd would have been entitled into seven
equal parts regard being had to value and allot one part to the mother Mary Pretlow
and allot the other six shares to the brothers and sisters of said Sarah C Pretlow respect-
fully and report their proceedings to the Court in order to a final decree.

Attest. Teste L R Edwards Ck

The undersigned Commissioners to whom the annexed decree is directed
 beg leave to report that they have executed the same by making a division of the land
 whereof James Scott dies seized and possessed. though they have not strictly following
 the requirements of the decree. had they done so each of the children who are dis-
 tributed would of necessity of had two distinct parcels one necessarily small and
 diminished in value by reason of its detached situation. Your commissioners therefore
 thought it most advisable to ascertain and set apart to Mary Prettow the mother
 her share and divide the residue into six shares as nearly equal as circumstances
 and locality would permit. but they found it necessary to require the parties
 to pay and receive small pecuniary sums in order to bring about the equality
 desired. — The aggregate value of the land was found to be six thousand two hundred
 and thirteen dollars \$6213.00

The proportion of Mary Prettow the mother being one fourth ninth
 amounted to one hundred and twenty six dollars and $\frac{86}{100}$ we assigned
 to her the Dunn and the Baker Joyner Tracts valued at . . . \$106.00
 and twenty dollars and $\frac{86}{100}$ to be paid in money 20.80 126.80
 Leaving to be divided into six Shares \$6086.20

and making one thousand and fourteen dollars $36\frac{2}{3}$ cents for share and divide
 as follows. — Lot No 1. Drawn by Ann Prettow and by way of designation

called the home tract contains 327 acres valued at \$1185.00
 to pay to No 2 \$104.36 $\frac{2}{3}$
 " do to " 5 37.36 $\frac{2}{3}$
 " do to " 6 27.36 $\frac{2}{3}$
 " do to " 7 1.53 $\frac{2}{3}$
 to Mary Prettow the mother \$170.63 1014.36 $\frac{2}{3}$

Lot No 2 drawn for Elizabeth Prettow and described
 as the center tract containing 327 acres valued
 at \$885.00 and the Mate. Lots and John Drake parcels
 added thereto valued at $35\frac{1}{2}$ and making . . . \$910.00
 to receive from No 1 104.36 $\frac{2}{3}$ 1014.36 $\frac{2}{3}$

Lot No 3. Drawn by John Prettow and called the Road tract
 containing 291 acres valued at \$1048.00
 to pay Mary Prettow the mother 3.63 $\frac{2}{3}$ 1014.36 $\frac{2}{3}$

Lot No 4. situated on the opposite side of the mill swamp from the former
 drawn by Joseph Prettow contains 317 acres valued at \$1030.00
 to pay to Mary Prettow the mother 15.63 1014.36 $\frac{2}{3}$

The Aggregate Amount brought forward to be divided into six shares \$ 6086.20

Lot No 1. Brought forward \$ 1014.36 $\frac{2}{3}$

No 2 Do Do 1014.36 $\frac{2}{3}$

No 3 Do Do 1014.36 $\frac{2}{3}$

No 4 Do Do 1014.36 $\frac{2}{3}$

Lot No 5 Drawn by Mary Pellow consisting of the
Boordelow Wright and Lewis tracts containing

209 Acres valued at \$977.00

To receive from No 1 37.36 $\frac{2}{3}$

\$ 1014.36 $\frac{2}{3}$

Lot No 6 Drawn by Robert Pellow consisting

the Amos Drake & Silas Vick tracts containing 188 $\frac{1}{2}$

Acres valued at \$377.00

The Pope tract of 100 Acres value 200.00

The Thackerabbey tract 100 Acres val - 100.00

and the Edg. Loyner tract of 155 Acres 310.00

valued at 310.00

987.00

To receive from No 1 27.36 $\frac{2}{3}$

\$ 1014.36 $\frac{2}{3}$

The six shares making as will be seen the aggregate amount \$ 6086.20

All of which with the accompanying survey and plat

is most respectfully submitted to the Court by the com-

missioners

J. D. Mapontang
Benj. Griffin
E. H. L. L. L. L. L.
James Holmes